

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JEFFREY SIMPSON, individually and derivatively, as  
managing member of JJ ARCH LLC, suing derivatively as  
managing member of ARCH REAL ESTATE HOLDINGS  
LLC, and JJ Arch

Plaintiff,

v.

JARED CHASSEN, FIRST REPUBLIC BANK

Defendants.

25-CV-02372 (LTS)

**DECLARATION OF JONATHAN T. KOEVARY, ESQ.  
CONCERNING FRCP RULE 11(C)(2) SAFE HARBOR**

**JONATHAN T. KOEVARY** pursuant to 28 U.S.C. § 1746, declares:

1. I am a partner of Olshan Frome Wolosky LLP, counsel to Arch Real Estate Holdings LLC. I submit this declaration in connection with the *Motion of Arch Real Estate Holdings LLC Seeking Sanctions Against Jeffrey Simpson and His Counsel Pursuant to Rule 11 of the Federal Rules of Civil Procedure* served contemporaneously herewith.

2. As set forth in that certain Declaration of Service dated April 3, 2025 as filed with the Court on April 24, 2025 [Dkt. No. 31], on April 3, 2024, i.e., 21 days prior to the filing of the Motion, in accordance with Rule 11(c)(2) of the Federal Rules of Civil Procedure, I caused to be served all motion papers (i.e., the original notice of motion, the accompanying memorandum of law, and my declaration in support thereof together with its exhibits) upon Jeffrey Simpon individually and Robert Lorenc, Esq. as his counsel of record pursuant to Rule 5 of the Federal Rules of Civil Procedure.

3. The only modifications between the motion papers as originally served on April 3, 2025 and the motion papers filed with the Court on April 24, 2025 are to be found in the amended notice of motion [Dkt. No. 28]. A true and correct redline of the amended notice of motion against the original notice of motion is attached as Exhibit A hereto.

4. The challenged activity as set forth in the motion papers have not been withdrawn or appropriately corrected.

I declare under penalty of perjury that the foregoing information is true and correct to the best of my knowledge, information and belief.

Executed on the 24<sup>th</sup> day of April, 2025

/s/ JONATHAN T. KOEVARY  
**JONATHAN T. KOEVARY**